IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 28934 of 2006(T)

PETITIONER:

G.SUKUMARA PILLAI,
ADVOCATE FOR GOVERNMENT WORK AT PUNALOOR,
RESIDING AT VINAYAKA, CHEMMANTHOOR,
PUNALOOR, KOLLAM DISTRICT.

BY ADV. SRI.C.R.SIVAKUMAR
SMT.G.VIDYA

RESPONDENTS:
----

1. THE STATE OF KERALA REPRESENTED BY
THE SECRETARY, LAW (INSPECTION WING) DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
COLLECTORATE, KOLLAM.

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 28934/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE APPOINTMENT ORDER DT. 4/4/02.

EXT.P2. COPY OF THE ORDER DT.1/6/05.

EXT.P3. COPY OF THE COVERING LETTER BY THE DIST. COLLECTOR, KOLLAM TO THE SECRETARY, BAR ASSOCIATION, KOLLAM ALONG WITH NOTICE DT.10/8/06.

EXT.P4. COPY OF THE REPRESENTATION DT. 31/10/06.

True copy

tga

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.28934 of 2006-T

Dated this the 11th day of July, 2007.

J U D G M E N T

The petitioner was an Advocate, engaged by the Government, for conducting its cases, in the Courts at Punaloor. When applications were invited for appointment of another Advocate in his place, this writ petition was filed. The petitioner submits, he is continuing even now. He has filed Ext.P4 representation claiming the fee payable to him by the Government. Thereafter, this writ petition is filed praying that he may not be terminated before he completes 3 years period for which he has been appointed, as per Ext.P2. He also prays the professional fee due to him for conducting various cases may be paid.

2. The first respondent has filed a counter affidavit stating that the petitioner's appointment is a contract appointment. He is holding the office during the pleasure of the Government. So, he can be terminated at any time, it is submitted. It is also admitted that the fee in relation to 31 cases are remaining unpaid and an amount of Rs.6,450/- alone has been sanctioned for payment. Necessary steps are being taken for payment of the fee for the remaining cases, it is submitted.

3. The claim of the petitioner that he should be retained for the full term provided in Ext.P2 cannot be allowed. The Government must be

conceded freedom to change its counsel. If the services of the petitioner are terminated on totally irrelevant grounds, he can work out his remedy against it.

4. The respondents are directed to pay the admitted fee payable in relation to 31 cases, within three months from the date of receipt of a copy of this judgment. If the petitioner has got any dispute regarding the number of cases for which fee is payable he may work out his remedy before appropriate forum.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,
JUDGE.

MS